

DETAILED ACTION

Acknowledgment is made of the amendment filed on 7/29/08. Claims 1-34 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilpin (US 2002/0148945).

Gilpin teaches

a scanner (scanning system 14) and method of using a scanner comprising:

- a) a flatbed scanner scan bar (movable carriage 12) movable along a subscan axis (displacement path 24);
- b) a first scan-bar homing reference (reference of home position 46);
- c) a second scan-bar homing reference (reference of away position 48) spaced apart along the subscan axis from the first scan-bar homing reference;
- d) an image placement area disposed between, but not including, the first and second scan-bar homing references (figure 2);

the scanner wherein the first scan-bar homing reference is a first scan bar homing and calibration reference or the second scan bar homing reference is a second scan bar homing and calibration reference;

the scanner wherein the each of the calibration references is colored;

the scanner wherein the color is selected from a group consisting of white, black, gray and a combination of the foregoing colors; and

the scanner wherein the first scan bar homing reference and the second scan bar homing reference are different from one another.

Allowable Subject Matter

3. Claims 28-33 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest either alone or in combination thereof:

a method for scanning images comprising the steps of:

image scanning a first image by moving a scan bar from a first scan-bar homing reference toward a second scan-bar homing reference in relation to an image along the subscan axis;

establishing an updated position reference for the scan bar including disposing the scan bar about the second scan-bar homing reference; and

image scanning a second image, which is different from the first image, by moving the scan bar from the second scan-bar homing reference toward the first scan-bar homing reference in relation to the image along the subscan axis.

Response to Arguments

5. Applicant's arguments with respect to claims 1-27 and 34 have been considered but are moot in view of the new ground(s) of rejection. New grounds of rejection was prompted by amendments to the claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

JAF
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